

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC - 3 2021

Robert Grizzle #1948719

Plaintiff's Name and ID Number

Preston E Smith Unit

Place of Confinement

9:21cv295 RC/ZH

CASE NO.

(Clerk will assign the number)

BY
DEPUTY

v.

Lt. J. Friederich 2665 Prison Rd 1 Lovelady TX 75851

Defendant's Name and Address

Quentin Tucker 2665 Prison Rd 1 Lovelady TX 75851

Defendant's Name and Address

Shantranethe Booker 2665 Prison Rd 1 Lovelady, TX 75851

Defendant's Name and Address

(DO NOT USE "ET AL.")

Continued on pg 6

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: March 202
 2. Parties to previous lawsuit:

Plaintiff(s) Robert Gizzle

Defendant(s) Stephanie Elliot, Cynthia Hilley, Samuel Matthews
 3. Court: (If federal, name the district; if state, name the county.) Western Dist. Waco Div.
 4. Cause number: W-20-CA-167-ADA
 5. Name of judge to whom case was assigned: Alan D. Albright
 6. Disposition: (Was the case dismissed, appealed, still pending?) Remanded from 5th
 7. Approximate date of disposition: Current.

Continued on Page 7 Rev. 05/15

II. PLACE OF PRESENT CONFINEMENT: Preston E Smith Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?

☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Robert Grizzle Smith Unit #1998719
1313 CR 19 Lamesa TX 79331

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Lt J. Friederich, Lieutenant, Eastham Unit, 2665 Prison Rd
1 Lovelady TX 75851

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Used excessive force on me, causing serious bodily injury.

Defendant #2: Quentin B. Tucker, Sargent, Eastham Unit, 2665
Prison Rd 1 Lovelady TX 75851

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Turned a "Blind eye" while Lt Friederich used excessive force on me

Defendant #3: Shantrelle Booker officer Eastham Unit, 2665
Prison Rd 1 Lovelady TX 75851

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Turned a Blind eye while Lt Friederich used excessive force on me

Defendant #4: Stephen Martin, Nurse, Eastham Unit 2665 Prison Rd 1
Lovelady TX 75851

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

was deliberately indifferent to my serious medical needs

Defendant #5: ALM Hasan, Doctor, Eastham Unit 2665 Prison
Rd 1 Lovelady TX 75851

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

was deliberately indifferent to my serious medical needs

Continued on Page 8

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

see Pages 9-16

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

see pages 16-17

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Robert James Gizzle, T3X, Bastard, Lil Bastard, John Smith
Tarzan, Spiderman, Mcguire

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

#1998719 and #1330107 Both TDCJ-ID

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES ☐ NO ☐

C. Has any court ever warned or notified you that sanctions could be imposed? YES X NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: 10-21-20
DATE

Robert A. Gini
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 21st day of October, 2021
(Day) (month) (year)

Robert A. Gini
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

- 1) Stephen Martin
- 2) AZM Hasam
- 3) Mervin Cleveland
- 4) ~~John Doe #1 AKA Auck giffin~~ Keithrick Griffin
- 5) Sgt Jane Doe #1 AKA Sgt. Martin
- 6) ~~Jane Doe #1 AKA officer Meiser~~ Yvette Meiser
- 7) Raven Little John
- 8) Jackie Barrone
- 9) John Doe #2 AKA Captain "O"
- 10) Donald Mue2
- 11) Mark Roberts

All Address Are the Same

Eastham wnt
2665 Pnter Rd l
Loveady TX 75851.

① Approx Date of Filing March 2020 ② Plaintiff- Robert Grizzle Defendants -
Fernando Marez, Darius Dudley, Willard Maier, Sharon Lucas, Barbara Brackens, Jason
Ragan, Kenneth Russell, Patricia Lemasters, Vivian Elyse ③ Court - Federal - Western Dist
Waco Division ④ Cause no. 6:20 cv 168 ⑤ Judge Alan D. Albright. ⑥ Set for trial
⑦ Current

① Approx Date of Filing March 2020 ② Plaintiff- Robert Grizzle Defendants - Kevin HPE
Billy Jackson ③ Federal court western district of TX Waco div ④ Cause no 6:20 cv-183
⑤ Judge Alan D Albright. ⑥ On appeal ⑦ Current

① Approx. Date of Filing March 2020 ② Plaintiff Robert Grizzle Defendants - Stacie
McCollum, Joseph Watt, Sara Pederson, Jane Doe #1 (Nurse) ③ Federal Court eastern
district Tyler division ④ Cause no 6:20 cv 214 ⑤ Magistrate K. Nicole Mitchell ⑥
Pending ⑦ Current

① Approx Date of Filing March 2020 ② Plaintiff Robert Grizzle Defendants - Matthew
Younans, Jane Doe AKA Nurse Watt, Frederick McCollough, Herbert Battle, Roberta Hill
Brandie Cottman, Andrea Walker, Kenneth Watts, Mark Roberts ③ Court - Federal - eastern dist
Tyler div. ④ Cause no 9:20 cv 37 ⑤ Judge Ron Clark ⑥ Still Pending ⑦ Current

① Approx Date of Filing March 2020 ② Plaintiff Robert Grizzle - Defendants - Brandie Cottman
Curtis Runells, Kurie Baugh, Tammy Love, Samuel Kuria, Saquille Reed, Bruce
Johnson, Mark Roberts, Roberta Hill, Martha Walker, Mervin Cleveland, Lourdes Wyatt
Michael Brown, Jane Doe #2 Jane Doe #3 ③ Federal Court eastern district of TX
Tyler Division. ④ Cause no 9:20 cv-44 ⑤ Judge Ron Clark ⑥ Pending ⑦ Current

① Approx Date of Filing March 2020 ② Plaintiff - Robert Grizzle Defendants - Deondria
Davis, Michael Manning, Christopher Bell, Kurtis Tillis, Martha Walker, Stephen Martin, Jane Doe #1
AKA Nurse Watts, Mark Roberts, Sarah Ross, Olufunmilayo Adedokun, Cindy Davis, Azmarion
Bruce Johnson, Andrea Walker, Kenneth Watts ③ Federal court eastern dist of TX Tyler Div.
④ Cause no 9:20 cv 36 ⑤ Judge Ron Clark ⑥ Pending ⑦ Currently

Continued from p. 5 - The full name of each defendant - their official position - place of employment and full mailing address - and their acts or omissions which harmed the plaintiff.

- #6) Mervin Cleveland Psych. Counselor - eastham unit 2665 Prison Rd 1 Lovelady Texas, 75851 - was deliberately indifferent to my serious medical needs
- #7) ~~John Doe #1 AKA [unclear]~~ ^{Keith R. Griffin} nurse eastham unit 2665 Prison Rd 1 Lovelady TX 75851 - was deliberately indifferent to my serious medical needs
- #8) John Doe #1 AKA Sergeant Martin eastham unit 2665 Prison Rd 1 Lovelady TX 75851 - was deliberately indifferent to my serious medical needs
- #9) ~~John Doe #1 AKA [unclear]~~ ^{Kristen} Meisses eastham unit 2665 Prison Rd 1 Lovelady TX 75851 was deliberately indifferent to my serious medical needs
- #10) Raven Little John Psych. Counselor eastham unit 2665 Prison Rd 1 Lovelady TX 75851 - Turned a Blind eye while Lt. Friedrich used excessive Force on me.
- #11) Suckie Barrone nurse eastham unit 2665 Prison Rd 1 Lovelady TX 75851 was deliberately indifferent to my serious medical needs
- #12) John Doe #2 Captain eastham unit 2665 Prison Rd 1 Lovelady TX 75851 found me guilty of a bogus disciplinary case, violated my due process rights in the process
- #13) Donald Muniz warden eastham unit 2665 Prison Rd 1 Lovelady TX 75851, Refused to remedy due process violations of which he became aware of via step 1 grievance
- #14) Mark Roberts medical director eastham unit 2665 Prison Rd 1 Lovelady TX 75851 Persistently Failed to ensure I received medical attention for my serious medical needs over a long period of time - constituting deliberate indifference.

Continued from pg. 4 - Statement of Facts

- 1) On Sept. 10th 2020 I had a medical "lay-in" for Lab at about 5:30 AM
- 2) I attended the lay in at around 5:50 AM and had my Blood Drawn By Lab tech. ms. McDonalds.
- 3) I left the lab area and was stopped By defendant Booker. who was the medical security officer that Day.
- 4) she informed me that the law library was looking for me so they could pick up some law library materials in my possession
- 5) I told her it was on my bunk. I was on my way to my cell and I would have it ready to ^{be} picked up.
- 6) Defendant Booker called the law library, told them that they said to give it to the J-line pickett Boss ~~for~~ they ~~to~~ could pick it up. I responded affirmative
- 7) I left medical about 6:02 AM
- 8) I got to my cell and gave said law library materials to the J-line pickett Boss
- 9) I entered my cell at J-line 1 row 6 cell and the door was closed at 6:07 AM. This was later confirmed via Camera Footage at my disciplinary hearing
- 10) around 8:30 AM I was in the Dayroom watching ESPN Coverage of opening Day for NFL Houston vs KC. I remember clearly
- 11) At this time Defendant Lt. Friederich and Defendant Tucker entered J-line called out my last name "Grizzle".
- 12) Then they placed me in handcuffs and took me to medical, Refusing to tell me what the deal was.
- 13) upon entering medical defendant Friederich told medical personell to "watch out"
- 14) Name defendants Little John, Griffin and Booker
- 15) the Defendant Lt. Friederich took one of my cuffs off and said "oh hes slipping out of the cuffs"
- 16) Defendant Friederich then turned me around and held me up against the wall on the cage in medical. He then told me to "Come on do something"
- 17) I Refused to React. Because I do have a history of Defeating hand restraints I knew if I provoked them then would Beat me to Death and get away with it.
- 18) He then grabbed my throat, choked me, Struck me several times with a closed fist on the left side of my Face.

- 1 I looked him straight in the eyes and told him "that's it"
- 2 At this point defendant Frederick got extremely angry. Pulled out a set of handcuffs and hit me on my face at the left eye area 2 times causing a deep laceration. He then choked me with his hand and said "I should kill you"
- 3 I screamed at him and he then choked me with my wrist which has long cotton
- 4 things.
- 5 I then lost consciousness.
- 6 When I came to several minutes were watching from the Medical Area, ~~Defendant~~ Defendants Booker, Littlejohn, Goffin, and Tucker all looked scared.
- 7 Defendants Booker, Littlejohn, Goffin, and Tucker said nothing as defendant ~~Frederick~~ Frederick told them "you saw nothing"
- 8 Defendant Frederick then put the loose handcuff on me and told me to get a pre
- 9 naming Defendant Frederick physical for me.
- 10 I told defendant Frederick (nurse) that Lt Frederick had just assaulted me
- 11 at my face was busted up and bleeding. my back was in extreme pain, as well
- 12 as my throat from being choked. I told him it was bad for me to breathe
- 13 the keys I had previous back and had injuries
- 14 Defendant Martin (nurse) then looked at me and smiled an evil smile
- 15 and said I can't see nothing wrong with you.
- 16 While he was talking my wrist slipped. I took my wrist off and showed him
- 17 At this time he and defendant ~~Frederick~~ Tucker and Frederick got visibly
- 18 extremely angry.
- 19 Defendant ~~Frederick~~ Booker scared and said oh my god!
- 20 Frederick and Tucker grabbed me violently and tried my music on my face
- 21 like a blindfold to hide the damage to my face
- 22 then they hustled me out of medical and walked me to D-line 8 cell which
- 23 is lock up.
- 24 the inmates that lived in Row 1 could clearly see my wrist tied in like a blind
- 25 fold and blood (eaten) from water it.
- 26 While placing me in my cell, Defendant Frederick told me "you're a pussy for not
- 27 anything back. I hit you 10 times and you never swung back, you're a punk, for just
- 28 finding that with your hands behind your back. Even inmate on D-line heard this
- 29 shortly After safe person officer Tillis was walking on D-line. I showed him my face
- 30 the told me to get out of the cell.

- 37 I was then taken to medical by Lt. Thorp.
- 38 I was only out of my cell about 10 minutes.
- 39 Medical staff "treated" me for a head injury that caused 2 Deep lacerations and rendered me unconscious in about 5-6 minutes.
- 40 I was seen by defendant Martin (Nurse). He cleaned my cuts, went and got defendant Hason. who quickly said "yep" Dermabond him up"
- 41 Defendants Martin and Hason ignored literally, my complaints of Pain, Contusions, Concussion symptoms such as Dizziness, tiredness, nausea, equilibrium off Balance, vomiting, ligature Pain, ~~neck~~ neck Pain, Burning in my throat, trouble Breathing, and intense Back Pain.
- 42 I then told Defendant Barrone (Nurse) of my complaints. She looked at me and said what makes you think I care
- 43 defendants Martin, Hason, and Barrone, Failed to conduct An adequate exam, Failed/Refused to inquire about my Pain levels. Failed to conduct A medical history. there is NO way to treat a head injury like this in 5-7 minutes.
- 44 This is a systematic problem that I've Dealt with at every unit I've been to in TDCJ in 10 1/2 years.
- 45 I later Realized I had a Broken tooth
- 46 I was taken Back to my cell. which had Blood every where
- 47 Lt Thorp, Officer Antonio and Defendant Friedrich Refused to Acknowledge my complaints of Blood every where
- 48 At this time I heard Lt Thorp and defendant Friedrich conversating about how they would make it look like I did all the Damage to my face to my self. They Barked Back and Forth about Saying I cut my Own Face and saying I hit my Face on the Bench in my cell. they supposedly took Pictures of my cell where I hit my Face on the Bench "to cover their Butts" story!
- 49 Every inmate on D-Block heard this
- 50 After an hour or so defendant Cleveland then came to my cell. He informed me that security said I cut my own Face
- 51 He then said it looks like you've been in a Fight. It Don't look like You cut Yourself.
- 52 I explained to him I had a Concussion, I was dizzy, Nauseous, vomiting, sleepy, unbalanced, that I had neck Pain. Couldnt Breathe good. That I had extreme Pain in my neck and Back. He said he'd Refer me to medical.

- [53] Next, Defendant Griffin came around passing out medication, I informed him of all my symptoms to which he responded he didn't care
- [54] Soon after I received my property. The officer that delivered it to me told me that Lt. Friedrich (Defendant) went through my property personally and took everything that's missing. He stated my books "didn't have my name on them" He made no mention of my missing legal work I was missing about 200\$ worth of books.
- [55] It was all taken with out due process- namely a pre- or post deprivation process
- [56] It was merely thrown out and justified by some TDOJ Policy
- [57] On 9-11-20 I awoke with blurry vision, Nausea, vomiting, Intense head pain, intense back pain muscle spasms in my back, throat pain, inability to eat and drink. I fell unconscious several times, and had mouth pain from a broken tooth.
- [58] I put in a grievance on Lt. ~~Fred~~ Defendant Friedrich and the issue surrounding him assaulting me
- [59] Defendant Martin (Sergeant) Jane Doe #1 came to my cell with a bogus case written by Lt. Friedrich claiming I attempted to establish a relationship with Lab tech McDaniels at 6:10 Am on 9-10-21
- [60] I explained that was impossible As I left Medical about 6:03 Am. I explained that J-line cameras would show I was in my cell at 6:10 Am
- [61] I explained my medical symptoms to her. told her I needed medical ~~att~~ attention. she responded that she didn't care, what's your statement on this case
- [62] Medical pill nurse defendant Barone purposely denied me my pain meds ~~to~~ when she passed out meds on 9-11-20
- [63] On 9-12-20 I had all the same medical symptoms
- [64] As well as 9-13-20
- [65] I had been putting in sick calls on these issues since 9-10-20
- [66] On 9-14-20 I sent An I-600 Request to An Official ~~to~~ Mark Roberts (Defendant) Medical Supervisor requesting help and internal Resolution to my complaints against Medical
- [67] Around 1:36 pm I was taken to medical

- 68 I was seen by defendant Barrone. She was Fuck. threatened to write me up because I complained about her to her supervisor
- 69 I told her all my medical symptoms and she said she didn't care
- 70 x-Rays were taken. And I received no other treatment not even something for pain
- 71 My Complaints of Concussion, noseau, Vomiting, Fainting, neck, Back, throat pain were ignored. My Complaints of a Broken tooth and mouth pain were ignored
- 72 on 9-15-20 I had the same symptoms and put in several sick calls
- 73 defendant messer came to my cell Asked if I was going to medical for dental. I told her yes But I needed clothes As I had none.
- 74 because I had no clothes she denied me medical/dental treatment for a broken tooth unnecessarily prolonging my pain and suffering.
- 75 on 9-16-20 I had all the same symptoms And put in several sick calls
- 76 Defendant Barrone passed out medication on D-line on 9-16-20. when she came around she purposely didn't give me my medication. ~~and told me~~ I told her about my medical symptoms. and she threatened to have me wrote up if I continued complaining.
- 77 on 9-18-20 I sent in more sick calls and a complaint to Mark Roberts (defendant) the medical director again seeking informal resolution to my medical complaints. against Defendant Barrone, Hasan, and Martin Nurse and Giffin (Nurse)
- 78 At this point I'd still not been treated for Concussion, noseau, Vomiting, neck, Back, throat pain, muscle spasms in my Back, I had only been treated for my Broken tooth.
- 79 on 9-18-20 I was convicted of the ~~same~~ Bogus case that was written By defendant Friedrich, despite ample evidence that I didn't do it and evidence of Policy violations, defendant John Doe #2 Captain "O" ignored exculpatory evidence, Camera Footage. Failed to be impartial. ignored Procedure violations and denied me a witness namely ms madanells who I supposedly committed the offense against.
- 80 I received no medical attention for my symptoms despite numerous sick calls. I-60's to the medical director, and grievances filed
- 81 on about 9-29-20 I left Eastham an "chain" to telford unit
- 82 I was down graded in classification due to this Bogus case/conviction. from G-4 to G-5
- 83 I was sent to a unit that was flooded with drugs and cell phones that was lots more dangerous. Every cellie I had smoked. now I have respiratory problems. I was forced to take a disciplinary case for one of my cellies possessing a cell phone. I was raped.

[84] Around January 21 the Bogus case from Lt. Defendant Friederich was reversed on step 2.

[85] I had wrote ~~now~~ step 1 grievance on warden daniel ^(defendant) muniz for ignoring and turning a blind eye to due process violations by captain "O" at the disciplinary hearings.

[86] I was Returned as unprocessed status it was Redundant and Referred me to the original disciplinary conviction appeal grievance ~~step 1~~ though it was against defendant muniz for failing to remedy due process violations which he became aware of in that ~~an~~ appeal grievance.

[87] I also wrote a step 1 grievance on medical staff involved in this situation it was Returned unprocessed as redundant, referring me to the step 1 on Lt Defendant Friederich assaulting me even though that step 1 was on security.

[88] I then Filed Another step 1 explaining that it was medical I was grieving for them being deliberately indifferent to my serious medical needs and therefore not redundant.

[89] I received it in January 2021 at the telford unit. It stated it was returned to me on nov. 2nd which is a lie. this was a machination on their part. preventing me from filing a step 2. Its a standard tactic. Any time an offender presents a meritorious step 1 grievance.

[90] over a long period of time at the eastham unit and during the 2 1/2 week period from 9-10-20 to 9-26-20 I put in numerous sickcalls requests directly to Defendant Roberts and grievances. Defendant Roberts persistently failed to do anything to make sure I received medical attention. And refused to remedy violations by his staff. Allowed his staff to be deliberately indifferent to my serious medical needs the entire time I was at eastham unit. that in itself is deliberate indifference to my serious medical needs.

Claims for Relief

[1] Defendant Friederich violated my 8th Amendment - Rights to Be Free of Cruel and unusual Punishment by using excessive use of force on me with a weapon, unprovoked, causing serious Bodily injury, extreme Pain, a Broken tooth / Concussion, lacerations Scars on the Face, and extreme Back, neck, throat Pain.

[2] Defendant Friederich violated my due process rights by writing me a Bogus discipline case, to cover up his assault, said action ~~caused~~ resulted in the loss of good time. Also by taking my property Pursuant to a state policy with out due process.

3] defendant Friederich violated my First Amendment Rights By taking Books and magazines from me which prevented me from exercising my Right to ~~press~~ Freedom of Press and expression. the Books He took were law Books, Books on Communism and other "Knowledge" Books like the Prosperity Bible and similar texts.

4] defendant Friederich violated my access to Courts Rights By taking legal work from me namely witness affidavits from 1983 litigation I had filed in this same Court against his coworkers namely in Grizzle vs. Deandre Davis Cause no. 9-21-cv-36

5] defendant Tucker violated my 8th Amendment Rights to Be Free of cruel and unusual punishment By turning a blind eye, watching out for and allowing defendant Friederich to use excessive force on me unprovoked which caused serious bodily harm.

6] Defendants Booker, Little John, Griffin (~~John Doe #1~~) violated my 8th Amendment Rights to Be Free of cruel and unusual punishment By turning a blind eye, watching out for, and allowing defendant Friederich to use excessive force on me unprovoked, which caused serious bodily harm.

7] defendant Martin (Nurse) violated my 8th Amendment Rights By Being Deliberately indifferent to my serious medical needs. In that He ignored my complaints of Concussion, neck ligature pain, trouble breathing, extreme back pain, head pain, Failure to inquire into pain levels, failing to take a medical history, attempting to cover up the fact I'd been assaulted by Lt Friederich (defendant) unnecessarily prolonging my pain and suffering, causing me further harm.

8] defendant Hasan violated my 8th Amendment Rights to Be Free of cruel and unusual punishment By Being Deliberately indifferent to my serious medical needs in that he ignored my complaints of serious back pain, ligature pain, trouble breathing, concussion like symptoms, head pain, By failure to do a adequate exam, failure to inquire into pain levels, failure to take a history and unnecessarily prolonging my pain and suffering

9] defendant Cleveland violated my 8th Amendment Rights to Be Free of cruel and unusual punishment By Being Deliberately indifferent to my serious medical needs By failing to do anything when I informed him that I was suffering from a concussion, extreme back, neck, throat pain, ligature pain, trouble breathing and falling unconscious.

10] Defendant ~~Booker~~ ~~Griffin~~ nurse Griffin violated my constitutional Rights under the 8th Amendment to Be Free of cruel and unusual punishment By Being Deliberately indifferent to my serious medical needs. In that when I told him I had a concussion, head, neck, throat ligature pain, he told me he didn't care, refused to do anything, ignored me, causing me further harm and unnecessarily prolonging my pain and suffering

[1] Defendant's Martin (First) Jane Doe #1 and Barone violated my 8th Amendment Right to Be Free of cruel and unusual Punishment By Bens Deliberately Indifferent to my serious medical needs in that they both told me they did not care after I conveyed to them my suffering of falling unconscious, severe Head, neck, throat Pain, Concussion like symptoms, they ignored my complaints, nurse Barone works in medical she knew these symptoms can be serious.

[2] defendant messer ~~Barone~~ violated my 8th Amendment Rights to Be Free of cruel and unusual Punishment By Denying me a medical / Dental visit because she was too lazy to get me a set of clothes. She unnecessarily prolonged my pain and suffering, Ignored my complaints of severe tooth pain.

[3] Defendant John Doe #2 AKA Captain "O" violated my Due Process Rights By finding me guilty of a bogus disciplinary case, Failing to Be An impartial fact finder, ignoring exculpatory evidence, and Policy violations ~~and~~ Then taking good time from me in the amount of 364. That's a whole year of good time he took on a bogus case.

[4] Defendant Muniz violated my Due process Rights By Refusing to take action to known Due Process violations enacted By Defendant John Doe #2 AKA Captain "O" of which he became aware of via staff / grievance He basically sat on his Duff and did nothing.

[5] defendant Roberts violated my ~~8th~~ 8th Amendment constitutional Rights to Be Free of cruel and unusual Punishment By Bens Deliberately Indifferent to my serious medical needs in that over a long period of time I notified him numerous times that there was a proclivity ~~to be~~ ~~deliberately~~ By encouraging medical staff to be deliberately indifferent to my serious medical needs multiple times He turned a blind eye, Refused / Failed to do any thing ~~at~~ Multiple times He Failed to ensure I received Adequate medical care despite the fact I put in 100's of sick calls, And I-bo's to him, RHYING him personally that I needed care.

[6] Defendant Barone violated my First Amendment Rights By threatening me with disciplinary action because I was complaining of my medical problems putting in a lot of sick calls, And complaining of her actions to her supervisor.

Continued from Page 4 - Relief Requested

1) The Plaintiff requests the court to issue a declaratory statement that each defendant violated his Constitutional Rights as described in Claims For Relief of this Complaint, in direct violation of the Texas Penal Code

2) Award the Plaintiff compensatory Damages in the following amounts:

A) \$50,000.00 against defendant Friedrich

B) \$25,000.00 jointly and severally against ~~the~~ defendants Tucker, Booker Little John, and Griffin ~~John Doe #1~~

C) \$25,000.00 against defendant Stephen Martin

D) \$5,000.00 against defendant Hasan

E) \$5,000.00 jointly and severally against Defendants Martin (Jane Doe #1) Cleveland and Meisser

F) \$15,000.00 against defendant Barrone

G) \$15,000.00 against defendant Roberts

3) Award the Plaintiff nominal Damages in the following amounts:

A) \$500.00 against defendant mm:2

B) \$500.00 against defendant John Doe #2 AKA Captain "O"

4) Award the Plaintiff Punitive Damages in the following amounts

A) \$100,000.00 against defendant Friedrich

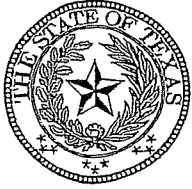
B) \$25,000.00 jointly and severally against defendants Tucker, Little John ~~and John Doe #1~~ (Griffin) and Booker

C) \$50,000.00 against defendant Martin, Stephen (Nurse)

D) \$5,000.00 against each Defendant (Martin Jane Doe #1), Meisser ~~John Doe #2~~, Hasan, and Cleveland.

E) \$2,000.00 against each defendant John Doe #2 Captain "O" and mm:2.

5) Grant the Plaintiff Any other such Relief as it may seem he is entitled to.



Texas Department of Criminal Justice

STEP 1

OFFENDER
GRIEVANCE FORM

8L-6-T

OFFICE USE ONLY

Grievance #: 2021005153
 Date Received: SEP 14 2020
 Date Due: 10/24/20
 Grievance Code: 002
 Investigator ID #: 52597
 Extension Date:
 Date Retd to Offender: OCT 09 2020

Offender Name: Robert Grizzle TDCJ# 1998719
 Unit: Eastham Housing Assignment: D-line - 1 row 8 cell
 Unit where incident occurred: Eastham

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Sergeant Martin When? 9-11-20

What was their response? none

What action was taken? none

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

on 9-10-20 I went to lab at 5:30 Am, left medical and went back to J-line with no problems. at 8:30 Am Lieutenant Friedrich came to J-line with sergeant tucker. they took me from the day room put me in handcuffs and took me to medical. At medical Lt Friedrich took one cuff off spun me around hit and choked me. Every inmate that was in medical wait room saw this. Right before he told the medical ladies to go the other way psych with the Jm and the medical security officer, he told me come on hit me I told him he was a bitch at this point he hit me with something metal causing me to lose consciousness. when I came to I had extreme pain in my neck as he choked me, I had pain in face, and lower back. I told the medical nurse martin I had these issues and he ignored me. then I was taken to D-line and put in a cell bleeding when they walked me on D-line they put my mask over my eyes to cover up the damage to me from the camera. on D-line I spoke to safe prison officer hills and she told me she'd get me to medical. Lt then came to my cell with Friedrich and tucker where they discussed how to make it look like I did all my injuries to myself they discussed taking pictures of my back where they could say I hit my self, and saying I cut myself. they discussed getting staff and medical to write statements saying nothing was wrong with me when I went into the cell. they discussed it like it was a joke. Every inmate on D-line 1 row heard and saw this. These actions violate my 8th Amendment

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER) SEP 14 2020

Rights to be free of cruel and unusual punishment. They falsified government documents, security then inventoried my property, took a lot of stuff gave me no confiscation papers, claimed the stuff didn't have my name on it. That violates my due process rights. Then I was given a Boyles Case for actually harassing threatening the warden, but I saw her and left medical at 5:30 AM all this took place at 8:50 AM. That makes no sense SEP 14 2020

Action Requested to resolve your Complaint.

For something to be done to CWB the known pattern of assaults committed on inmates by Eastham Security Officers and for me to receive no retaliation as a result thereof

Offender Signature: Robert Giv

Date: 9-13-20

Grievance Response:

An Administrative Investigation has been conducted regarding your allegations against staff. There was insufficient evidence to substantiate any violations of policy by staff as alleged; however, due to the nature of your allegations, a copy of your grievance was forwarded to the Office of Inspector General (OIG). Following their review, the OIG found insufficient evidence to open an investigation. No further action is warranted at this time.

Signature Authority: [Signature]

ASST WARDEN

Date: SEP 30 2020

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

K. HUTTO

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

OFFICE USE ONLY

Initial Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
2 nd Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
3 rd Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

Offender Name: Robert Garza TDCJ# 1998719
 Unit: Telford Housing Assignment: 8 L-06 top
 Unit where incident occurred: Eastham 8L-49

OFFICE USE ONLY

Grievance #: 2021005153
 UGI Recd Date: OCT 27 2020
 HQ Recd Date: NOV 02 2020
 Date Due: 12-6
 Grievance Code: 002
 Investigator ID #: _____
 Extension Date: _____
 Date Retd to Offender: _____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be specific). I am dissatisfied with the response at Step 1 because...

Its obvious no Real investigation was completed. If there was. The Camera Footage of when I was first taken to D line with my mask tied on my face like a Blind fold would have raised serious questions. That's camera Footage I was done like that to cover up the fact that I had serious damage to my left eye.

Not one inmate on D-line that witnessed this incident was questioned

Then my property claim was not addressed in any way shape fashion or form?

And the oig cant open an investigation unless sworn affidavits are available so of course they ~~can~~ decided not to open an investigation this is a legal loophole TDCJ is using to do these types of actions and get away with it. Check my history. I file lawsuits so dont do nothing about this and this will be my last survey.

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

Offender Signature: _____

Date: 10/21/20

Grievance Response:

This issue has been reviewed by The Office of the Inspector General and that office has determined that there is insufficient evidence to warrant opening a case. No further action will be taken.

Signature Authority: _____

Date: NOV 24 2020Returned because: **Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 6. Inappropriate. *

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

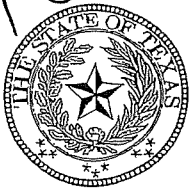
Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____



Texas Department of Criminal Justice

STEP 1

OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2021009001Date Received: SEP 22 2020Date Due: 10-22-2020Grievance Code: 400Investigator ID #: I2604

Extension Date: _____

Date Retd to Offender: NOV 02 2020

Offender Name: Robert Grizzle TDCJ # 1998719
 Unit: Eastham Housing Assignment: D-1000
 Unit where incident occurred: Eastham 8L 06T

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Capt. "D" d.sc. case # 20210009314 When? 9-18-20

What was their response? Guilty

What action was taken? Suspended Punishment

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

A.D. 4.35 Page 3 section IV. Correction of disciplinary actions ... Correction of disciplinary actions must be based on violation of the TDCJ disciplinary Rules and Procedures for offenders (GR-106) such as ... insufficient evidence, and violations of due process that affects fundamental fairness.

There are 3 major procedural violations that took place that affect fundamental fairness in this case:

- 1) - GR-106 disciplinary Rules and procedures for offenders page 1 under 1 General procedures A. Report infractions 2) 2nd sentence ... The offense Report shall be written by someone who has direct knowledge of the incident. In this case as I pointed out at the hearing the offense Report was written by someone that had no direct knowledge of the incident. He had second hand knowledge that was obtained via a Report. Therefore his "Report" and "reasons" SE officers report and officers testimony cannot be evidence relied upon for a finding of guilt as he doesn't know exactly what took place. At the hearing he admitted he had no direct knowledge of the incident.
- 2nd procedural violation - GR-106 page 17 E. written statement 5. Whether confrontation and cross examination of the offenders accusers, if requested was denied, it so the reasons for the denial at the hearing I asked my accuser if he was aware the GR-106 required an offense report be written by one with direct knowledge of the incident. The capt. denied the question on page 17. S. noted it in her paperwork yet ~~she failed~~ ^{he failed} to put that denial of cross examination or the reason on the written Record.
- 3rd procedural violation GR-106 page 16 5. The offender may request the presence of his accusers including the charging officer. my accuser was Las tech medwells. The capt. refused to allow her presence. He stated before the trial that he had a statement from her and that's all that was needed.

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM (OVER)

let this process be from possibly coming up with the charges. I was based on - presented not fabulous evidence in the form of camera footage that shows I was in my cell at 6:16 AM. I was in my cell at 6:07. yet He found me guilty of committing an offense in the interim. at 6:16 AM. when I proved I wasn't even there. He made excuses for this. And so did the counsel institute. Also zero evidence was presented that I threatened to inflict harm, physical or other wise on Lab Tech mednells. Her own statement said nothing about a threat. He chose to write that when he wrote the case. even though He had no direct knowledge of the Med-nell. Attention whoever was off on this appeal if you fail to remedy the due process violations your aware of. I will sue you in Federal Court, I have a case just like this on Asst. Warden Billy Heath Jackson.

Action Requested to resolve your Complaint.

For this disciplinary case to be overturned and action to be taken in accordance with A.D. 4.39 and E.D. 3.76 which states inappropriate disciplinary actions are strictly prohibited and will result in formal disciplinary action against the employee in accordance with PD-22. In short I want TDCJ to follow its own policies and guidelines

Offender Signature: Robert Jim Date: 9-21-20

Grievance Response:

Disciplinary Case #20210009314 has been reviewed and no procedural errors were identified. Sufficient evidence was presented to support the charge and finding of guilt. There were no due process errors and punishment assessed was within agency guidelines. There is no reason to warrant overturning this case. No further action is warranted.

Signature Authority: Warden D. Muniz

Date: 10/19/2020

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

OFFICE USE ONLY

Initial Submission	UGI Initials: _____
Grievance #: _____	
Screening Criteria Used: _____	
Date Recd from Offender: _____	
Date Returned to Offender: _____	
<u>2nd Submission</u>	UGI Initials: _____
Grievance #: _____	
Screening Criteria Used: _____	
Date Recd from Offender: _____	
Date Returned to Offender: _____	
<u>3rd Submission</u>	UGI Initials: _____
Grievance #: _____	
Screening Criteria Used: _____	
Date Recd from Offender: _____	
Date Returned to Offender: _____	

APR 13 2021



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

Offender Name: Robert Garza TDCJ# 1998719
 Unit: Telford Housing Assignment: 8-06 top
 Unit where incident occurred: Casthan 7I-13B

OFFICE USE ONLY

Grievance #: 2021009001
 UGI Recd Date: NOV 09 2020
 HQ Recd Date: NOV 16 2020
 Date Due: 12-10
 Grievance Code: 400
 Investigator ID #: 1-2193
 Extension Date: 01/09/21
 Date Retd to Offender: _____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be specific). I am dissatisfied with the response at Step 1 because...

- I specifically noted 3 procedural violations that were ignored!
- ① The fact that the GR-106 Page 1 General procedures A. Reporting infractions 21. and sentence. Requires the offense report shall be written by someone who has direct knowledge of the incident. And at the hearing the charging officer admitted that he wasn't present at the moment that he was reporting a report made to him.
 - ② GR-106 page 17 E. written statement 5.) Whether Corroboration and cross examination of the offender's accusers & requested was denied & so the reasons for the denial.
 At the hearing I asked my accuser a question that the D.H.O. Denied. And the D.H.O. failed to note that fact or the reason why on the written statement.
 - ③ GR-106 Page 15 (5) the offender may request the presence of his accusers including the charging officers. my accuser was Las tech mcdanels. The D.H.O. Refused to allow her presence, he stated that he had a statement from her and that's all he needs.
- plus the fact that I was convicted for doing this rule infraction, in the infirmary at the casthan unit, at 6:10 AM yet I showed camera footage that I was in my cell at 6:07 AM and not in medical yet the D.H.O. ignored this evidence.

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

Offender Signature: _____ Date: _____

Grievance Response:

An investigation has been conducted by the Central Grievance Office. Major disciplinary case #20210009314 has been overturned. It will be at the Warden's discretion as to if the case will be re-heard. This issue is resolved and requires no further action from this office.

Signature Authority: J. RILEY Date: 3/5/2021

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 6. Inappropriate. *

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____



Texas Department of Criminal Justice

STEP 1

OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: _____

Date Received: _____

Date Due: _____

Grievance Code: _____

Investigator ID #: _____

Extension Date: _____

Date Retd to Offender: _____

Offender Name: Robert Gozue TDCJ # 1996719
 Unit: Telford Housing Assignment: 8406 Top
 Unit where incident occurred: Sastham

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? LT Meisser When? 11-3-20

What was their response? None

What action was taken? None

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

On 10-19-20 Warden Donald murz at the eastham unit Reviewed
 a disciplinary appeal on case # 20210009314.
 At this point he was notified via that step 1 of Due process
 violations that were done in that the hearing on that case and
 By denying the Appeal he effectively turned a blind eye to those
 due process ~~error~~ violations And has allowed them to perpetuate.
 That is Aa violation of my 14th Amendment due process rights on
 his behalf.

The D.H.O.S of TDCJ have a custom of covering about 99%
 or more of inmates that come before them. They have a custom
 of ignoring exculpatory evidence, being biased towards accusers, and engaging
 in a host of other Due process violations merely to obtain
 convictions And nothing ever is done. the policy ~~etc.~~ states
 that disciplinary action will be taken against employees who engage in
 inappropriate disciplinary actions yet they never are never is a DHO
 Disciplined even when an inmates case is overturned for inappropriate
 action on the DHO's part.

never do these wardens do anything when this is brought to their
 attention. There are all Due Process violations As well.

I didn't receive the step 1 back on the Appeal until Nov. 2nd
 2020, at about midnite ~~at about midnite~~ ~~at about midnite~~ ~~at about midnite~~ ~~at about midnite~~
 That's purpose machinery to keep me from filing a grievance like this
 one

NOV 06 2020

NOV 06 2020

Action Requested to resolve your Complaint.

NOV 06 2020

Offender Signature: R. SmallinDate: 11-3-20

Grievance Response:

Signature Authority: _____

Date: _____

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☒ 9. Redundant, Refer to grievance # 2021009001
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

R. Smallin
R. Smallin

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: JS

Grievance #: 2021029788

Screening Criteria Used: #9

Date Recd from Offender: NOV 06 2020

Date Returned to Offender: NOV 06 2020

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____



Texas Department of Criminal Justice

STEP 1 ^{moved} OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2021010665Date Received: SEP 25 2020Date Due: 11/9/20Grievance Code: 600Investigator ID #: 22597

Extension Date: _____

Date Retd to Offender: NOV 02 2020

Offender Name: Robert Grizzle TDCJ # 1948719
 Unit: Eastham Housing Assignment: D-1-8 cell
 Unit where incident occurred: Eastham

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Mark Roberts medical director via J-60 When? 9-15-20

What was their response? Said I would be taken to sick call

What action was taken? None

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

this is not a redundant grievance the last one is on security staff actions. This grievance is on medical staff's actions. On 9-10-20 I was assaulted by Lt. Frederick with fists and a metal object. What took place right before my PhD physical. During my PhD physical I told nurse Stephen Martin what happened, I voiced complaints of head, back, face, neck pain, nausea, dizziness. He ignored my complaints and refused to treat me, looked at me with a smile on his face and said I don't see nothing wrong with you. And told Lt. Frederick and Sergeant Tucker to get me out of medical. Psych little John witnessed the assault on me and turned a blind eye as well. Around 1 hour later I was taken to medical because I was found in my cell on the floor bleeding. At this time I was seen by nurse Martin, Barrone, and doctor Hasan. I voiced to them my complaints, nausea, dizziness, vomiting, head, neck, face, and back pain. Nurse Barrone told me to shut up. Nurse Martin told me that "they" were going to treat my "cuts" and that's it. I had 1 scratch and 2 lacerations on my face. Those cuts were cleaned and derma banded and my other complaints and injuries were ignored and Barrone, Martin, and Hasan refused to treat me. I was in medical 4-8 minutes. They took no history, asked no questions, told me to shut up when I tried to voice my issues. These actions constitute deliberate indifference to my serious medical needs a violation of my 8th Amendment constitutional rights. They exercised no professional judgment on my pain, possible concussion, back pain, neck pain. I have put in several sick call requests about this and E-Gos to Mark Roberts. On 9-14-20 I was taken to medical, then did X-Rays and

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

SEP 25 2020

qualitative pain scale. I received Retaliation in the form of calls because I filed complaints on her to her supervisor Mark Roberts. I have continued to put in sick calls complaining about pain in my neck, face, head, ~~neck~~ Back, on an unknown date my Ibuprofen was changed to naproxen without a visit or examination, on 9-24-20 I went to a sick call and it was a follow up to the X-rays. I was informed nothing was wrong with me, yet still my neck pain, back pain and issues, and intense head pain with pain behind my eyes has not been addressed SEP 25 2020

Action Requested to resolve your Complaint.

to be properly treated for all my medical complaints not some and for protection from Retaliation By medical staff

Offender Signature: Robert [Signature]Date: 9-24-20

Grievance Response:

Chart review shows you were seen by the nurse for pre-hearing detention on 9/10/20. Also, an Urgent/Emergent Care record was completed by the nurse later that same day (9/10/20). You were also seen by a Qualified Mental Health Professional on 9/10/20 due to a referral of self-harm. You were seen again on 9/14/20 by the nurse for complaints of headache, dizziness and double vision and you also had a facial X-ray completed which showed no abnormal findings. On 9/22/20 the provider changed your pain medication from Ibuprofen to Naproxen. You were seen by the provider on 9/24/20 for a follow up on clavicle and shoulder X-rays and shoulder exercises were given. No new medication was indicated by the provider for your pain complaints. Treatment decisions are the authority of the licensed staff and not the offender patient. Ms. Barone and Ms. Littlejohn deny your allegations. There is no evidence to support your allegations. Your grievance is unsubstantiated.

Signature Authority: [Signature]Date: 10/15/20

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 form.

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

OFFICE USE ONLY

Initial Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____
 2nd Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____
 3rd Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____

STEP 1 OFFENDER GRIEVANCE FORM

Date Retd to Offender:_____

Offender Grievance Operations Manual
Appendix F

I have put in multiple sick calls on Monday 9-14-20 I went to medical X-Rays were done, nothing else, Nurse Barbone threatened to Retaliate on me with cases because I filed Complaints about her to her supervisor and threatened me with cases if I filed a grievance on her. I still have been seen for Broken teeth in ten days despite numerous sick calls and complaints. My complaints are being ignored and they are refusing me treatment.

Action Requested to resolve your Complaint.

to be properly treated for all my injuries

Offender Signature: [Signature]

Date: 9-20-20

Grievance Response:

Signature Authority: _____

Date: _____

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☒ 9. Redundant, Refer to grievance # 2021005153 SEP 22 2020
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

OFFICE USE ONLY

Initial Submission: UGI Initials: SH
 Grievance #: 2021009022
 Screening Criteria Used: 09 899
 Date Recd from Offender: SEP 22 2020
 Date Returned to Offender: SEP 22 2020
 2nd Submission: UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____
 3rd Submission: UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____

Robert G. Gagne #1928719
Smith Unit

1313 CLK 19
Lamesa, TX 79331

HEK128B

"Legal Mail"

Clerk for the
U.S.D.C. for the
Eastern District of TX
Lufkin Division
104 N. Third St
Lufkin, TX 75901

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